

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

8:18CR342

vs.

EMILIO BELLO-OZUNA

CHANGE OF PLEA AND
ORDER ON SENTENCING SCHEDULE

Defendant.

The defendant requested a combined change of plea and sentencing hearing on an expedited schedule with sentencing to occur in approximately six weeks. The government does not oppose this request. Neither party opposes limiting the time allowed to object to the sentencing recommendations of probation or the court's tentative findings.

Accordingly,

IT IS ORDERED that the following deadlines and procedures are set in this case:

1. **January 18, 2019**: Counsel's respective versions of the offense(s) to the probation office;
2. **January 18, 2019**: Financial information, restitution proposal and any chemical dependency/mental health evaluation to the probation office by counsel;
3. **February 15, 2019**: Probation office's submission of a presentence report to the judge and counsel;
4. **February 19, 2019**: Written objections by counsel to the presentence report shall be provided to the court and probation;
5. **February 22, 2019**: Judge's notice to counsel of rulings, tentative findings, and whether oral testimony is to be permitted.
6. The following procedures shall apply to objections to tentative findings:
 - (a) A written objection to tentative findings is not required if no evidence will be offered in support of the objection to tentative findings and no new substantial issue of law will be raised in support of an objection to tentative findings. In such a case, an oral objection to the tentative findings may be made at the time of sentencing.

(b) A written objection to tentative findings is required if evidence will be offered in support of the objection to the tentative findings or if a new substantial issue of law is raised in support of the objection to the tentative findings. If evidence will be offered in support of the written objection to the tentative findings, the written objection shall include a statement describing why an evidentiary hearing is required, what evidence will be presented, and how long such a hearing would take. If a new substantial issue of law is raised in support of the written objection to tentative findings, such an objection shall be supported by a brief. Unless the court orders otherwise, a written objection to the tentative findings will be resolved at sentencing in such manner as the court deems appropriate.

(c) Any written objection to tentative findings shall be filed as soon as possible after receipt of the court's tentative findings and prior to sentencing.

7. At least two (2) working days in advance of the plea proceeding above, counsel for plaintiff and for defendant shall e-mail to the undersigned judge a copy of the following: a) a copy of the Petition to Enter Guilty Plea; b) a copy of any plea agreement; and c) a copy of any charging document not yet on file. For this defendant, the time between **today's date** and the hearing on the anticipated plea of guilty **is excluded** for purposes of computing the limits under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(1)(G) & (h)(7)(A).

8. **March 1, 2019 at 10:00 a.m.**: Sentencing before Judge Rossiter in Omaha, Courtroom #4.

DATED this 14th day of January, 2019.

BY THE COURT:

s/ Robert F. Rossiter, Jr.
United States District Judge